

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ORVILLE C. MASSEY, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:08-cv-00936

DAVID BALLARD

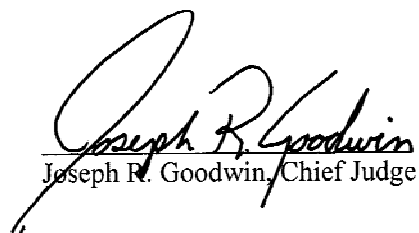
Defendant.

ORDER

Pending before the court is the respondent's Motion for Summary Judgment [Docket 13]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition ("PF&R"), pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court grant the respondent's motion for summary judgment and deny the petitioner's § 2554 petition.

The petitioner timely filed written objections to the Magistrate Judge's PF&R. The court has performed a *de novo* review of those portions of the findings and recommendations that the petitioner objected. The court **FINDS** that the objections are without merit. The court agrees with the thorough analysis of the Magistrate Judge. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 8, 2009


Joseph R. Goodwin, Chief Judge